

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT
OF THE TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re NFE, Inc.

Serial No. 76/218,190

Request for Reconsideration

Arthur G. Yeager for NFE, Inc.

Tanya Amos, Trademark Examining Attorney, Law Office 101
(Angela Wilson, Managing Attorney).

Before Simms, Holtzman and Drost, Administrative Trademark
Judges.

Opinion by Simms, Administrative Trademark Judge:

On August 4, 2003, applicant filed an amendment and a request for reconsideration from the July 10, 2003 decision of the Board affirming the refusal of the Examining Attorney to register the mark PUMP GUARD for "enclosures in the nature of fiberglass laminate material with and without insulation for environmental protection of above ground

pumps and plumbing of water supply systems." The Board held that, in view of the record, applicant's mark is merely descriptive of its goods.

In its amendment and request for reconsideration, applicant seeks to add a claim of ownership of a recently issued registration for the mark VENT GUARD to the claim in the original application that applicant is the owner of Registration No. 2,252,261 for the mark VALVE GUARD. Applicant also seeks to amend the application to cancel the disclaimer of the word "GUARD" in the application. Applicant argues that it has established a family of marks which are recognized by its purchasers.

Trademark Rule 2.142(g) provides that an application, which has been considered and decided on appeal, will not be reopened except for the entry of a disclaimer, or upon order of the Director, but a petition to the Director to reopen an application will be considered only upon a showing of sufficient cause for consideration of any matter not already adjudicated. Accordingly, applicant's request for reconsideration and amendment seeking to add a claim of ownership of another registration and to delete the disclaimer cannot be granted.¹

¹ In any event, the proposed amendments, even if entered in the file, would not have changed the outcome in this case. The record already included applicant's claim of ownership of another registration

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Accordingly, the applicant's request for reconsideration is denied.

containing the word "GUARD," and the record satisfactorily demonstrates the descriptiveness of the mark sought to be registered.